

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

HAROLD F. QUARRELS,)
Plaintiff,)
)
v.) CIVIL NO. 3:05-CV-361
) (JARVIS/SHIRLEY)
JO ANNE B. BARNHART,)
COMMISSIONER OF)
SOCIAL SECURITY,)
Defendant.)

ORDER OF REMAND
UNDER SENTENCE FOUR, 42 U.S.C. § 405(g)

Pursuant to the power of this Court to enter a judgment affirming, modifying, or reversing the Commissioner's decision with remand in Social Security actions under sentence four of section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), and in light of the parties' motion to remand this action, this Court now, upon substantive review, hereby enters judgment under sentence four of 42 U.S.C. § 405(g) reversing the Commissioner's decision with a remand of the cause to the Commissioner according to the following terms. See Shalala v. Schaefer, 509 U.S. 292, 296, 113 S.Ct. 2625, 2629 (1993); Melkonyan v. Sullivan, 501 U.S. 89, 97-98, 111 S.Ct. 2157, 2163 (1991).

On remand, the ALJ will more specifically identify the claimant's residual functional capacity with regard to specific work-related limitations. If a fully favorable decision can be rendered by the ALJ based upon a review of the record without the benefit of additional testimony, then a hearing will not be necessary. Otherwise, the ALJ will conduct a supplemental hearing where Plaintiff will be allowed to present any additional evidence and will be afforded the opportunity to testify. If necessary, expert vocational evidence will be obtained.

The ALJ will then issue a new decision.

The Clerk of the Court will enter a separate judgment pursuant to Rule 58 of the Federal Rules of Procedure.

s/James H. Jarvis
United States District Judge

Proposed by:

s/Loretta S. Harber
LORETTA S. HARBER (BP #007221)
Assistant United States Attorney
Attorney for Defendant
800 Market St., Suite 211
Knoxville, TN 37902
(865) 545-4167